



Tulane Environmental Law Clinic

March 16, 2020

Via <https://www.foiaonline.gov>
National Freedom of Information Officer
U.S. Environmental Protection Agency

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, the Tulane Environmental Law Clinic, on behalf of the Sierra Club, respectfully requests access to all documents including but not limited to print documents, photographs, videos, maps, e-mail, and electronic records from 2016 to the present date relating to the following topics.

1. Any documents relating to the use of chloroprene in Louisiana.
2. Any documents relating to safe levels of chloroprene.
3. Any documents relating to analysis of chloroprene emissions.
4. Any documents relating to analysis or consideration of the environmental impact of chloroprene or any report or document concerning the environmental impact of chloroprene.
5. Any documents relating to the U.S. Environmental Protection Agency or any other agency's involvement in monitoring of chloroprene.
6. Any documents reflecting communications regarding chloroprene between the EPA and the Louisiana Department of Environmental Quality including but not limited to communications regarding safe levels of chloroprene.
7. Correspondence between EPA and Denka Performance Elastomer, LLC, ("Denka") regarding the request to increase chloroprene emissions deemed safe for public health, including but not limited to EPA's review of scientific information connected with *Incorporation of in vitro metabolism data and physiologically based pharmacokinetic modeling in a risk assessment for chloroprene* by Harvey J. Clewell III, et al., published in the journal *Inhalation Toxicology*, Volume 31, 2019.

Tulane Environmental Law Clinic

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8. Documents reflecting Denka's funding of research regarding safe emissions of chloroprene including but not limited *Incorporation of in vitro metabolism data and physiologically based pharmacokinetic modeling in a risk assessment for chloroprene* by Harvey J. Clewell III, et al., published in the journal *Inhalation Toxicology*, Volume 31, 2019.

We respectfully request that all records be furnished without charge because “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 522(a)(4)(A)(iii). The government’s involvement with safe levels of chloroprene affects all citizens residing in Louisiana, which includes members of the Sierra Club, and will contribute significantly to a better public understanding of how the EPA and LDEQ define and monitor safe levels of chloroprene in Louisiana. The Sierra Club does not seek this information for the purpose of furthering commercial, trade, or profit interests. The intended use or purpose of this information is to contribute to the public understanding of chloroprene.

Further the request falls under the requirements for fee waiver under 40 C.F.R. § 2.017 (l). The request for EPA's chloroprene information is a part of “operations or activities of the government” and concerns “clearly identified operations of the government” i.e., communications and determinations regarding chloroprene. These communications will “likely contribute” to an increased public understanding of the levels of safe chloroprene emissions. The Sierra Club has a long history of working with other environmental organizations and the public regarding environmental issues and thus has the capability and willingness to disseminate the disclosed information. The information provided by this request will contribute “significantly” to the public’s understanding of safe levels of emissions of the toxic chemical chloroprene by illuminating State and Federal information about chloroprene. Scant information is currently publicly available about chloroprene and safe levels, if any, of this chemical, so the requested information will significantly enhance current public understanding of the topic. In sum, the public interest significantly outweighs the non-existent commercial interest. Based on satisfaction of the requirements in 40 C.F.R 2.017(l), we respectfully requests a fee waiver.

We are aware of and do not waive our rights under law: to receive a response to this request within twenty days, to be informed of the grounds if this request is denied, to appeal any denial, and to receive copies of excepted information from a document where other sections have been declared exempt from this request. If you intend to deny access to any records, we request a written explanation detailing any denial. If any records are deemed exempt from disclosure based on a claim of privilege or confidentiality, please provide the titles of the documents for which the privilege or confidentiality is claimed and an explanation of the claim.

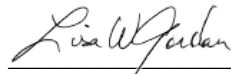
If for any reason our request cannot be handled free of charge, we request immediate notification of the reasons behind the denial and the cost that will be involved prior to any copying or reproduction of documents or other materials.

Thank you for your attention to this request. If you have any questions, please contact us by e-mail or telephone.

Partially prepared by:

Manuel D. Soza, Law Student

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa W. Jordan".

Lisa Jordan, Clinical Instructor,
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